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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/626,100	07/26/2000	Adam M. Gersting	426882000500	8237

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ACCENTURE C/O MORRISON & FOERSTER  
755 PAGE MILL ROAD  
PALO ALTO, CA 94304

EXAMINER

BOYCE, ANDRE D

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 01/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/626,100

Applicant(s)

GERSTING, ADAM M.

Examiner

Andre Boyce

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 October 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 16.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Response to Amendment***

1. This Final office action is in response to Applicant's amendment filed October 27, 2003. Claims 1 and 9 have been amended. Claims 17-26 have been added.  
Claims 1-26 are pending.
2. The previously pending rejections to claims 1-8 under 35 USC § 101 have been withdrawn.
3. Applicant's arguments filed October 27, 2003 have been fully considered but they are not persuasive.

***Claim Rejections - 35 USC § 103***

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. Claims 1-3, 9-11, and 17-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baxter et al (USPN 6,356,903), in view of Downs et al (USPN 6,574,609).

As per claim 1, Baxter et al disclose a method for designing a coordinated content management and delivery system (web based content management system, see Figure 1) comprising the acts of, determining by computer key considerations (requested content) related to the client environment (see column 4, lines 38-42), the key considerations comprising what content related processes are needed to support publishing (i.e., content management control processes 76 for automated

update of the processing and management of the content, column 5, lines 64-67); providing by computer key processes (organizational and format components) for use in developing a solution to a system design problem (see column 5, lines 48-51), the system design problem being the determination of what content management and delivery products and processes to implement and how to implement them (i.e., each responsible contributor creates, edit, and/or designs the components and overall format of the content and delivery, see column 5, lines 44-55), wherein the key processes comprise workflow tracking for content elements, capture and use of customer's user preferences (i.e., personalization process, see column 17, lines 8-13), application of business rules to user preferences to determine future content development (i.e., format rules as determined by content creators and designers, see column 4, lines 54-67), access control for the content management (see column 5, lines 34-36); metadata capture including author, date of creation, and topic (see column 7, table 2); and applying by computer these key considerations and processes to the system design problem with the assistance of a framework (outlines and associated templates, see column 5, lines 51-54) showing basic content management and delivery element relationships, whereby such a solution to the system design problem can be produced (see column 6, lines 21-27). Baxter et al does not explicitly disclose what combination of channels and related devices are to be supported. However, Baxter et al discloses using a variety of delivery systems (channels), and Downs et al discloses a content distribution system 100 deployed using both new and existing distribution channels (see column 12, lines 36-39).

Both Baxter et al and Downs et al are concerned with the effective content management, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include what combination of channels and related devices are to be supported, in the Baxter et al system, as seen in Downs et al, in order to efficient distribute the content via the most effective channel.

As per claim 2, Baxter et al disclose the solution to the system design problem includes facilities whereby coherent sales, training, electronic learning or marketing campaigns are efficiently generated to web-based and other clients (training system, see column 4, lines 20-24).

As per claim 3, Baxter et al disclose the solution to the system design problem includes facilities whereby transaction processing and execution are monitored and captured for adding data to a target customer's profile (user profile, see column 17, lines 18-24).

Claims 9-11 are rejected based upon the rejection of claims 1-3, since they are the system claims corresponding to the method claims.

As per claims 17 and 19, Baxter et al disclose the workflow tracking for content elements including tracking for review status and access privileges (content management server controls access, column 5, lines 34-36), the at least one customer's user preferences include an access record associated with user preferences (user profile, column 17, lines 18-24), the application of business rules to user preferences includes input templates for input characteristics of content elements and display templates for display characteristics of content elements

(personalization strategy including relevant content, page creation on the site, and process implementation, column 17, lines 38-44), the access control of content management includes access control for creating, reading, updating, deleting, and approving content elements (content creator access to the content for maintenance and/or modification, column 5, lines 25-27), and the metadata capture includes a taxonomy having one or more fields for categorizing content elements and corresponding keyword values for the one or more fields (attributes and attributes descriptions, including metadata, table 2).

As per claim 18, Baxter et al disclose the framework including a content delivery system and a content development and management system connected to the content delivery system (content management system including content design and creation processes 72 and 74, column 5, lines 59-63), and further comprising receiving planning input at the content development and management system from a planning unit (assembly procedure 70, column 5, lines 56-58), processing the planning input at the content development and management system to determine planning output and content elements (content design and creation processes 72 and 74), receiving planning output at the planning unit from the content development and management system (content design 70), receiving content elements at the content delivery system from the content development and management system (content creation 72), assembling content elements at the content delivery system to determine customer output (assembly procedure 70, column 6, lines 3-5), and

receiving customer output at the customer unit from the content delivery system (assembled web page to web site 80).

Claims 20-22 are rejected based on the rejections of claims 17, 18, and 17, since they are the system claims that correspond to the method claims.

Claims 23-26 are rejected based upon the rejections of claims 1, 17, 18, and 17 respectively, since they are the computer-readable media claims corresponding to the method claims.

6. Claims 4-8, and 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baxter et al (USPN 6,356,903), in view of Downs et al (USPN 6,574,609) as applied to claims 1 and 9 above, in further view of Swartz et al (USPN 6,236,994).

As per claim 4, Baxter et al does not explicitly disclose the framework is a formalized framework for supporting assessment of needs, and planning and implementing of content management solutions. Swartz et al disclose planning based on various information sources and decision points (see column 7, lines 58-62). Swartz et al also discloses a framework to build, augment, and represent (i.e. assess, plan, and implement) the integration knowledge (content) base (see column 18, lines 55-64). Both Baxter et al, and Swartz et al are concerned with management of content (i.e. knowledge, data, and information), therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a formalized framework in Baxter et al, as seen in Swartz et al,

thereby having a construct to assist the user in consistently delivering suitable content management solutions.

As per claims 5-8, Baxter et al does not explicitly disclose the formalized framework and associated processes and considerations being used to; guide discussions about desired capabilities of the desired content management and delivery system, develop a meaning of content management and a set of process considerations required for the definition, assess the business capabilities to be supported, and achieve an effective design solution including an assessment of available products and services. Swartz et al disclose the ability to visualize and explore (discuss) past, present, and potential decisions based on the content (see column 7, lines 49-55). Further, Swartz et al disclose implementing the system in one or more phases of complexity, based on the problem (i.e. developing and assessing the content management to achieve an effective design solution, see column 8, lines 45-49). Both Baxter et al, and Swartz et al are concerned with management of content (i.e. knowledge, data, and information), therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to include the uses of the formalized framework in Baxter et al, as seen above, thereby providing the user with a construct to either avoid, recognize, or reflect on problems that could cost the user time and/or money (see Swartz et al column 7, lines 58-67, and column 8, lines 1-7).

Claims 12-16 are rejected based upon the rejection of claims 4-8, since they are the system claims corresponding to the method claims.



***Response to Arguments***

7. In the remarks, with respect to claim 1, Applicant argues that neither Baxter nor Downs teach or suggest determining by computer key considerations, providing by computer key processes, where the key considerations include what combination of channels and related devices are to be supported and what content related processes are needed to support publishing. The Examiner respectfully disagrees and submits that Baxter discloses content organization, format, and creation (column 4, lines 25-30), and a content management control processes 76 for automated update of the processing and management of the content (column 5, lines 64-67), as seen in the above rejection. This portion of Baxter indeed teaches key considerations including what content related processes are needed to support publishing. Downs discloses content deployed using a variety of distribution channels (column 12, lines 36-39), which indeed teaches key considerations include what combination of channels and related devices are to be supported.

Applicant further argues that Swartz does not teach Applicant's framework showing basic content management and delivery element relationships, whereby such a solution to the system design problem can be produced. First, the Examiner notes that Swartz was not relied upon in the rejection of claim 1. Further, Baxter discloses each document structured based on an outline (i.e., framework), with each outline having a template associated therewith to provide a format for content on the outline (column 6, lines 21-27).

Further, claims 17 and 18 are indeed taught, as seen in the above rejections.

***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre Boyce whose telephone number is (703) 305-1867. The examiner can normally be reached on 9:30-6pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9326.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

  
adb

  
**TARIQ R. HAFIZ**  
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